

REMARKS

In the Office Action, the Examiner rejected claims 1-24. By the present Response, Applicants amend claims 1, 4, 8, 9, 21, and 23 to further clarify the claimed subject matter; cancel claims 2, 3, 10, and 22; and add new claims 25-35. Upon entry of the amendments, claims 1, 4-9, 11-21, and 23-35 will be pending in the present patent application. Applicants respectfully request reconsideration of the above-referenced application in view of the foregoing amendments and the following remarks.

Claim Objections

In the Office Action, the Examiner objected to claims 8 and 11 for various informalities. Applicants amended the claims as set forth above to correct these clerical errors. Particularly, claim 8 was amended to correct a typographical error with respect to its dependency from claim 1, and claim 9 was amended to provide antecedent basis for a term recited in claim 11. In view of these amendments, Applicants believe the Examiner's objections are moot. Accordingly, Applicants respectfully request withdrawal of the Examiner's objections to the claims.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-3, 6-11, and 16-20 under 35 U.S.C. § 102(b) as anticipated by Grant et al. (U.S. Patent No. 6,501,020). Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the identical invention "in as complete detail as contained in the ... claim" to support a *prima*

facie case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Omitted Features of Independent Claim 1

Turning now to the present claims, the Grant et al. reference fails to disclose each element of independent claim 1. For instance, independent claim 1 recites “a second *securing* member adapted to secure the harness to a first *supporting* member, wherein *each of the second securing member and the first supporting member comprises a hook, a wire, an elastic member, a reel, or some combination thereof*” (emphasis added). Because the Grant et al. reference fails to disclose such an element, the cited reference fails to anticipate independent claim 1.

As will be appreciated, the Grant et al. reference is generally directed to a cable management apparatus for an equipment cabinet. *See* col. 1, lines 13-18. Notably, Grant et al. disclose a cable management apparatus including a support member or belt 42 and a plurality of cable retention features 44. *See* col. 8, lines 16-18; FIGS. 2 and 3. The belt 42 is positioned below a sliding shelf 22 of the Grant et al. system and configured to retain cables 18 of the system. *See* col. 9, lines 44-49. It is important to also note that the belt 42 is fixedly secured, via opposite ends 46 and 48 of the belt, to a slide member 26 of the shelf and a belt mounting plate 32, respectively. *See* col. 8, lines 40-48.

Conversely, independent claim 1, as noted above, recites a second securing member and a first supporting member that each comprises “a hook, a wire, an elastic member, a reel, or some combination thereof.” *See, e.g.*, Application, FIG. 2. Applicants respectfully point out that the Grant et al. reference does not disclose a supporting member and a securing member that comprise a hook, a wire, an elastic member, or a reel, as recited by the instant claim, nor has the Examiner suggested such a disclosure in

the Grant et al. reference. Consequently, because the Grant et al. reference fails to disclose each and every element, the cited reference cannot anticipate independent claim 1.

Omitted Features of Independent Claim 9

Similarly, the Grant et al. reference fails to disclose each element of independent claim 9. For instance, independent claim 9 recites “a first harness member *directly coupled to* at least one of the plurality of straps, wherein *the first harness member is adapted to be coupled to an external support member* to enable the external support member to support the at least one cable” (emphasis added). Because the Grant et al. reference fails to disclose such an element, the cited reference fails to anticipate independent claim 9.

As noted above, the Grant et al. reference discloses that opposite ends of a belt can be directly anchored to a slide member and a mounting plate. *See* col. 8, lines 40-48. However, even if the retention features 44 of the cited reference could be reasonably equated with the plurality of straps recited in independent claim 9, the Grant et al. reference fails to disclose any structure that is directly coupled to one of these retention features and that is adapted for coupling to an external support member. As such, the Grant et al. reference fails to disclose each and every element of independent claim 9, and thus fails to anticipate this claim and the claims dependent therefrom.

Omitted Features of Independent Claim 17

Further, the Grant et al. reference also fails to disclose each element of independent claim 17. For instance, independent claim 17 recites “means for connecting a first support member to the harness to enable the first support member to suspend the at least one electrical cable therefrom.” Because the Grant et al. reference fails to disclose each and every element, the cited reference fails to anticipate independent claim 17.

Applicants respectfully note that claim 17 includes means-plus-function language, as set forth in 35 U.S.C. § 112, paragraph 6, *and should be examined in accordance with this body of law*. As may be appreciated, with respect to 35 U.S.C. § 112, paragraph 6, an Examiner “may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination.” *In re Donaldson Co.*, 29 U.S.P.Q.2d 1845 (Fed. Cir. 1994); *see also* Manual of Patent Examining Procedure § 2181. Applicants note that proper interpretation of this claim must be performed with reference to the structure provided in the specification. Particularly, with regard to the “means for connecting a first support member to the harness” recitation of claim 17, Applicants’ specification discloses that the harness includes a hook adapted to connect to a supporting wire for performing the recited function. *See, e.g.*, Application, paragraphs [0021]-[0025]; FIGS. 2-4. Applicants further note that the present specification also discloses that the supporting wire may connect the harness to a supporting reel. *See id.* Applicants respectfully point out that the Grant et al. reference fails to disclose such structure. As such, the Grant et al. reference cannot support a *prima facie* case of unpatentability *in accordance with* the relevant statutory and precedential authority outlined above. Consequently, Applicants respectfully submit that independent claim 17 is patentable over the Grant et al. reference.

For these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and allowance of claims 1, 6-9, 11, and 16-20.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 4, 5, 12-15, and 21-24 under 35 U.S.C. § 103(a) as unpatentable over Grant et al. in view of Saxby et al. (U.S. Patent No. 6,326,547). Applicants respectfully traverse this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

Omitted Features of Independent Claim 21

Applicants respectfully note that the Grant et al. and Saxby et al. references fail to disclose each element of independent claim 21. For instance, independent claim 21 recites “a first support member comprising a hook, a wire, an elastic member, a reel, or some combination thereof” and “a second harness member secured to the spine, wherein the second harness member is operable to enable the first support member to apply a lifting force to the second harness member.” Because the cited references fail to disclose such an element, the cited references cannot support a *prima facie* case of obviousness with respect to independent claim 21.

As noted above with respect to independent claim 1, the Grant et al. reference fails to disclose a support member that can be logically compared to a hook, a wire, an

elastic member, or a reel. Further, the Grant et al. reference also fails to disclose any structure operable to enable such a support member to apply a lifting force to such structure and the harness. It is, therefore, apparent that the Grant et al. reference fails to disclose each and every element of independent claim 21, including those elements noted above. Further, while the Saxby et al. reference may disclose a cable system within a rack environment, it is evident that the Saxby et al. reference fails to obviate the other deficiencies of the Grant et al. reference. Consequently, the combination of the Grant et al. and Saxby et al. references fail to support a *prima facie* case of obviousness with respect to independent claim 21 or the claims depending therefrom.

Additionally, Applicants note that each of claims 4, 5, and 12-15 depends from either independent claim 1 or 9. As discussed above, the Grant et al. reference fails to disclose each element of independent claims 1 and 9. Further, the Saxby et al. reference does nothing to obviate the deficiencies of the Grant et al. reference. As a result, dependent claims 4, 5, and 12-15 are allowable on the basis of their dependency from a respective allowable independent claim, as well as for the subject matter separately recited in these dependent claims. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 4, 5, and 12-15.

For these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103 and allowance of claims 4, 5, 12-15, 21, 23, and 24.

New Claims

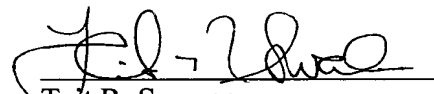
New claims 25-35 have been added by this Response. These new claims add no new matter and are fully supported throughout the specification. These new claims are believed allowable for their dependency from an allowable independent claim, as well as by virtue of the subject matter separately recited by these dependent claims. Accordingly, Applicants respectfully request allowance of dependent claims 25-35.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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